



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/410,202	09/30/1999	BRIAN DONOVAN	7134.007	6524

7590

02/09/2005

CHERNOFF VILHAUER MCCLUNG & STENZEL  
1600 ODS TOWER  
601 SW SECOND AVENUE  
PORTLAND, OR 972043157

EXAMINER

ENG, DAVID Y

ART UNIT PAPER NUMBER

2155

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

---

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MAILED**  
FEB 09 2005  
Technology Center 2100

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/410,202  
Filing Date: September 30, 1999  
Appellant(s): DONOVAN, BRIAN

---

William O. Geny  
For Appellant

### **SUPPLEMENTAL EXAMINER'S ANSWER**

This is in response to the action of The Board of Patent Appeals and Interferences entered on July 02, 2004. The Supplemental Examiner's Answer is to clarify the factual support of the Examiner's position re claims 4, 2 and 8 as below. The grounds of rejection remain the same.

With respect to the Examiner's motivation statement concerning claim 4 set forth in lines 3-10 of page 7 of the Examiner's Answer, the difference between claim 4 and Madnick is that Figure 4-1 of Madnick shows a process view of an interrupt and task change processing circuit rather than a circuit view (rectangular box format of claim 4) of the interrupt and task change processing circuit. Official Notice is taken by the Examiner that the process shown in Figure 4.1 of Madnick is meant to be executed by a general purpose computer having circuits because that is the sole purpose of a program. In fact, the very fact that the schedulers of Madnick are programs suggests to one of ordinary skill in the art that they are meant to be executed in a general purpose computer. Therefore, it would have been obvious to a person of ordinary skill in the art to execute the Job Scheduler and the Process Scheduler of Madnick by a general purpose computer such that the processes of the two Schedulers can be carried out. The circuits of the general purpose computer which implement the Job Scheduler and the Process Scheduler shown in Figure 4.1 of Madnick are equivalent to the circuits recited in claim 4.

Art Unit: 2155

With respect to the Examiner's motivation statement concerning claim 2 set forth in lines 9-11 of page 8 of the Examiner's Answer, Madnick does not show an integrated circuit. Processor fabricated on an IC chip is well known in the art. Official Notice is taken by the Examiner that general purpose computer is commonly built from IC chips because they are basic building blocks of general purpose computer. IC chips are therefore in any general purpose computer.


With respect to the Examiner's motivation statement concerning claim 8 set forth in lines 4-11 of page 9 of the Examiner's Answer, Madnick taught claim combination set forth above. Further, Madnick, in the first paragraph of page 209 and page 212, taught a traffic controller for keeping track of status of all processes. Madnick does not have a trace circuit for recording state information. However, George taught a trace circuit for recording state information when interrupts happened. Attention of the Board is respectfully directed to column 3, et seq. line 19 and column 21 et seq. lines 25. In lines 24-25 of column 3, George further taught that the trace circuit is useful for diagnostic purposes. From the teaching of George, it would have been obvious to a person of ordinary skill in the art to incorporate a trace circuit as taught by George in the traffic controller of Madnick for recording state information for diagnostic purposes.

For the reasons set forth above and in the Examiner's Answer, it is believed that the propriety of the rejections of claims 2, 4-8 and 14-16 remain intact. Accordingly, it is

Art Unit: 2155

respectfully requested that the Final Rejection of claims 2, 4-8 and 14-16 be sustained.

Respectfully submitted,

  
DAVID Y. ENG  
PRIMARY EXAMINER

David Y. Eng  
October 15, 2004

WILLIAM O. GENY  
CHERNOFF VILHAUER MCCLUNG & STENZEL  
1600 ODS TOWER  
601 SW SECOND AVENUE  
PORTLAND, OR 97204-3157